

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 21st day of DECEMBER, 1992 there was conducted a REGULAR Session of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:
1:30 P. M.

PRESENT:
ANTONIO O. GARZA, JR.
COUNTY JUDGE

LUCINO ROSENBAUM, JR.
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS
COMMISSIONER, PRECINCT NO. 2

ADOLPH THOMAE, JR.
COMMISSIONER, PRECINCT NO. 3

NATIVIDAD VALENCIA
COMMISSIONER, PRECINCT NO. 4

INELDA T. GARCIA, Deputy
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked Mr. Doug Wright, Cameron County Counsel, to lead the Audience in reciting the Pledge of Allegiance to the Flag.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on December 18, 1992, at 10:32 A. M.

- (8) **APPROVAL OF CONSTABLE OFFICIAL BONDS, PURSUANT TO LOCAL GOVERNMENT CODE SECTION 86.002 ET SEQ.**
- (9) **APPROVAL OF SHERIFF'S OFFICIAL BOND, PURSUANT TO LOCAL GOVERNMENT CODE SECTION 85.001 ET SEQ.**
- (10) **APPROVAL OF OFFICIAL BOND OF COUNTY ATTORNEY, PURSUANT TO SECTION 45.001 ET SEQ.**
- (11) **APPROVAL OF OFFICIAL BOND FOR STATE TAXES AND OFFICIAL BOND FOR COUNTY TAXES OF TAX-ASSESSOR-COLLECTOR, PURSUANT TO PROPERTY TAX CODE SECTION 6.28 ET SEQ.**
- (12) **APPROVAL OF COUNTY COMMISSIONERS OFFICIAL BONDS, PURSUANT TO LOCAL GOVERNMENT CODE SECTION 81.002 ET SEQ.**
- (13) **APPROVAL OF JUSTICE OF THE PEACE OFFICIAL BONDS, PURSUANT TO GOVERNMENT CODE SECTION 27.001 ET SEQ.**

Mr. Doug Wright, Cameron County Counsel, reported that the County Clerk's Office has provided personnel to conduct the "Bond Oaths" and the "Statement of Office." He added that the Bond Oath must be subscribed to the Bond prior to approval by the Court and he recommended that the Bonds be approved, subject to his final review for technical compliance of the Statutes.

Commissioner Thomae moved that all the Official Bonds be approved as submitted, subject to review by County Counsel for technical compliance to the Statutes.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

At this time, Judge Garza clarified that the Oaths just taken for the Official Bonds should not be confused with the typical "Swearing-In" Ceremonies conducted at the beginning of the year.

Commissioner Thomae remarked, for the benefit of the newly Elected Officials, that they have the option of having a member of the Commissioner's Court administer the Oath of Office or another qualified person of their choice.

Mr. Wright reminded the Constables to provide the County Clerk's Office the List of Deputies and Reserves and added that they are scheduled for approval on December 28, 1992, at the Regular Commissioner's Court Meeting.

The Official Bonds are as follows:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Rayburn MacNelly, County Auditor, presented the following late claims for approval: District Clerk's Office, Warrant No. 70314 in the amount of \$1,000.00 and Ms. Irma Flores, Warrant No. 70315 in the amount of \$225.00.

Commissioner Thomae moved that all the County Claims be approved as presented inclusive of the late claims as to the District Clerk's Office, Warrant No. 70314 in the amount of \$1,000.00 and Ms. Irma Flores, Warrant No. 70315 in the amount of \$225.00, on the recommendation by the County Auditor's Office.

The motion was seconded by Commissioner Valencia and carried the following vote:

AYE: Commissioners Rosenbaum, Thomae and Valencia

NAY: None

ABSTAIN: Commissioner Cascos as to the claim of Landair Travel, Inc., Warrant No. 70102 in the amount of \$2,368.00, and Waters Implement Company, Inc., Warrant No. 70230 in the amount of \$16.88.

The Affidavit is as follows:

(2) APPROVAL OF BUDGET AMENDMENT AND/OR SALARY SCHEDULE

Commissioner Thomae moved that the 1992/1993 Budget Amendment No. 8 and the Salary Schedules for the Title IV-D Masters, Department No. 57-437, and the Health Women, Infant and Children (WIC) Department, Department No. 32-630, be approved as presented by the County's Budget Officer.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

The Budget Amendment and Salary Schedules are as follows:

(3) IN THE MATTER OF MINUTES' OF DECEMBER 7 AND 14, 1992 (TABLED)

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, this Item was TABLED for one (1) week.

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(4) IN THE MATTER TO RECEIVE AND OPEN PROPOSALS FOR PURCHASE OF JUVENILE SERVICES FOR THE JUVENILE PROBATION DEPARTMENT (NO ACTION TAKEN)

At this time, Ms. Joan Macrum, Assistant Chief Juvenile Probation Officer, stated that it was her understanding that only one (1) bid was received after the deadline and that she did not know what the Purchasing Agent would recommend.

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, No Action was taken on this matter.

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(5) APPROVAL TO REFUND TAXES TO JAIME LOZANO IN THE AMOUNT OF \$743.95 FOR THE ERRONEOUS PAYMENT OF TAXES

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, Mr. Jaime Lozano was refunded the amount of \$743.95 for the erroneous payment of taxes as recommended by the County Auditor.

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(6) AUTHORIZATION TO RENEW CONTRACT WITH THE UNIVERSITY OF TEXAS MEDICAL BRANCH FOR HEALTH SERVICES

Mr. Rolando Martinez, Health Administrator, stated that this was a Renewal Contract and he reviewed the following statistical breakdown noting that seventy-eight (78) percent of the patients have received in-patient care in Galveston, Texas:

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Thomae and carried unanimously, authorization was given to renew the Contract with the University of Texas Medical Branch for Health Services.

The Contract is as follows:

(7) **APPROVAL OF APPOINTMENT OF CARMEN SILVA TO THE CAMERON COUNTY HOUSING AUTHORITY BOARD**

Commissioner Thomae moved that the appointment of Ms. Carmen Silva, Los Fresnos, Texas, to the Cameron County Housing Authority Board be authorized.

The motion was seconded by Commissioner Cascos and carried unanimously.

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(14) **CONSIDERATION AND ACTION ON VARIANCE TO THE COUNTY WASTEWATER ORDER FOR SPECIFIC CAMERON PARK RESIDENCES AS ALLOWED BY THE TEXAS WATER COMMISSION**

Mr. Ray Rodriguez, Health Department Chief Sanitarian, explained that persons living in Cameron Park could not receive electricity because the Health Department could not issue a Septic Tank Permit. He added that the Health Department had received "Letters" from the Public Utilities Board, the Texas Water Development Board and the Texas Water Commission stating that since Cameron Park was to receive funding for the Water and Wastewater Systems, that they had no objections for Permits be issued for electrical connections as outlined in the following documents:

At this time, Mr. Andy Cueto, County Engineer, stated that the Engineer's Department was inspecting for compliance and he recommended approval, subject to meeting all the Electrical Codes.

Judge Garza suggested that if the Court granted the variance, that it not be limited to the people on the List but to give the Health Department the authority, under the conditions outlined, to include the residents that were not on the List.

Commissioner Thomae moved that a variance to the County Wastewater Order be granted to the Cameron Park residences as allowed by the Texas Water Commission.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(21) **APPROVAL OF RESOLUTION ADOPTING TAX ABATEMENT GUIDELINES AND CRITERIA GOVERNING TAX ABATEMENT AGREEMENTS IN THE HARLINGEN ENTERPRISE ZONE**

Mr. Frank Bejarano, Program Development and Management Director, explained that the Resolution would be in effect for two (2) years and he reviewed the major changes in the criteria for the Tax Abatements.

Commissioner Thomae moved that the Resolution adopting the Tax Abatement Guidelines and Criteria Governing Tax Abatement Agreements in the Harlingen Enterprise Zone be adopted.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Resolution is as follows:

(19) **APPROVAL OF A TAX ABATEMENT AGREEMENT FOR
TATIM, INC., LOCATED IN THE HARLINGEN
ENTERPRISE ZONE**

Commissioner Thomae moved that the Tax Abatement Agreement for Tatim, Inc., located in the Harlingen Enterprise Zone, be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Agreement is as follows:

**(20) APPROVAL OF A TAX ABATEMENT AGREEMENT FOR
MID-STATE PIPE FABRICATING, INC., LOCATED IN THE
HARLINGEN ENTERPRISE ZONE**

Upon motion by Commissioner Thomaes, seconded by Commissioner Valencia and carried unanimously, the Tax Abatement Agreement for the Mid-State Pipe Fabricating, Inc., located in the Harlingen Enterprise Zone, was approved.

The Agreement is as follows:

**(17) APPROVAL OF REQUEST BY JUDGE BETANCOURT,
COUNTY COURT AT LAW NO. 2, TO HIRE A BAILIFF
AND/OR INTERPRETER**

At this time, Judge Adolph G. Betancourt, County Court-at-Law No. 2, presented his justification for an Administrative Assistant and an Interpreter for his Court.

Commissioner Thomae questioned the proposed cost for the position and Judge Betancourt responded that it should be comparable to the other Courts, that being approximately \$25,000.00 annually, including benefits.

Commissioner Cascos suggested that Judge Betancourt retain an Administrative Assistant-Interpreter and to wait on hiring a Bailiff until the sixth (6th) month of the Fiscal Year in order to evaluate the Fund Balance.

Commissioner Cascos moved that Judge Adolph G. Betancourt, County Court at Law No. 2, be authorized to retain an Interpreter-Administrative Assistant with the salary to be competitive with the Administrative Assistant-Interpreters, not to exceed \$20,000.00, exclusive of benefits, and that the Item of a Bailiff be laid over until further review.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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**(15) APPROVAL OF LEASE AGREEMENT BETWEEN MAGIC
VALLEY SALES AND CAMERON COUNTY FOR THE
JUVENILE OFFICE IN PORT ISABEL, TX**

Commissioner Thomae moved that the Lease Agreement between Magic Valley Sales and Cameron County for the Juvenile Office in Port Isabel, Texas, be approved, subject to Legal Review.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Lease Agreement is as follows:

**(16) AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE A
CONTRACT FOR RESIDENTIAL CHILD CARE
SERVICES WITH BUCKNER'S CHILDREN'S HOMES**

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the County Judge was authorized to execute a Contract for Residential Child Care Services with Buckner's Children's Home.

The Contract is as follows:

(18) **AUTHORIZATION TO IMPLEMENT A SPEAKERS
BUREAU SERVICE FOR COUNTY EMPLOYEES**

Mr. Frank Bejarano, Program Development and Management Director, explained the Proposal for a "Speakers Bureau" to provide different informational and educational topics each month to County employees. He stated that it would be implemented for a six (6) month trial period beginning January 1993.

Upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, authorization was given to implement a Speakers Bureau Service for County employees.

The "Speakers Bureau" Proposal is as follows:

**(22) APPROVAL OF CHANGE ORDER NO. 1 IN THE AMOUNT
OF \$3,500.00 FOR OLMITO TOWNSITE AREA PHASE III**

Upon motion by Commissioner Cascos seconded by Commissioner Rosenbaum and carried unanimously, the Change Order No. 1, in the amount of \$3,500.00, for the Olmito Townsite Area Phase III was approved, on the recommendation of the County Engineer.

The Change Order is as follows:

(23) AUTHORIZATION TO ADVERTISE FOR ONE SMALL PICKUP FOR THE ENGINEERING DEPARTMENT BUILDING INSPECTOR

Commissioner Cascos moved that the advertisement for one (1) small pickup for the Engineering Department Building Inspector be authorized.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(24) AUTHORIZATION TO EXECUTE CONTRACT FOR ARCHITECTURAL SERVICES TO BE PROVIDED BY THE FIRM OF COX/ CROSLIN & ASSOCIATES FOR THE JUVENILE DETENTION FACILITY (AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE CONTRACT)

Judge Garza explained that this Item had been "Tabled" to allow Commissioner Cascos and the County Budget Officer the opportunity to visit with the Firm of Cox/Croslin & Associates. He reported that the Firm had agreed to reduce the Architectural Fees from eight and a half (8 1/2) percent to seven (7) percent, for an approximate savings of \$43,000.00, to cap their fees at 2.9 million dollars and that the balance of the Contract to remain the same.

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the County Judge was authorized to execute the Contract for Architectural Services to be provided by the Firm of Cox/Croslin and Associates, Austin, Texas, for the Juvenile Detention Facility.

The Contract is as follows:

(25) AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSES

Upon motion by Commissioner Thomae, seconded by Commissioner Cascos and carried unanimously, the following travel authorization and or travel expenses were approved, subject to availability of funds in their budget:

- a) County Engineer to attend Conference with the County's Consulting Engineer and GSA Consulting Engineers for the design of truck turn lane at Gateway Bridge on December 22, 1992;
- b) Mr. Reynaldo Rodriguez, R.S., Chief Sanitarian, to Austin, Texas, on December 16-17, 1992, for an Site Wastewater Field Operations Training Program;
- c) Judge Arturo Salas, Justice of Peace Precinct No. 7, to attend Forty (40) Hour Justice's of the Peace Training Course in Austin, Texas, January 10-15, 1993; and
- d) Parks Director to Austin, Texas, on January 5, 1993, regarding Legislative Matters.

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(26) EXECUTIVE SESSION

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the Court met in Executive Session at 2:25 P. M. to discuss the following matters:

- a) Confer with Counsel regarding contemplated litigation involving Rafael Rivero vs. Cameron County, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- b) Confer with Counsel regarding possible litigation with La Esperanza Home for Boys/Villa Bethany Home for Girls, a/k/a La Esperanza, Inc., and Texas Key Program, Inc., pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes).

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, the Court reconvened in Regular Session at 3:10 P. M.

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(27) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Confer with Counsel regarding contemplated litigation involving Rafael Rivero vs. Cameron County.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel be directed to proceed along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Thomae, seconded by Commissioner Rosenbaum and carried unanimously, County Counsel was directed to proceed along the terms and conditions as outlined in Executive Session regarding the contemplated litigation involving Rafael Rivero vs. Cameron County.

- b) Confer with Counsel regarding possible litigation with La Esperanza Home for Boys/Villa Bethany Home for Girls, a/k/a La Esperanza, Inc., and Texas Key Program, Inc.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel be directed to discuss this Item and to make an offer, which apparently has been accepted by the Esperanza Home, with respect to the liquidation of certain sum of money now outstanding.

Commissioner Thomae moved that the offer be approved, that the acceptance of said offer be acknowledged and that the County Judge be authorized to execute the Contract with La Esperanza Home for Boys/Villa Bethany Home for Girls, a/k/a La Esperanza, Inc., and Texas Key Program, Inc.

The motion was seconded by Commissioner Cascos and carried unanimously.

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There being no further business to come before the Court, upon motion by Commissioner Cascos, seconded by Commissioner Thomae and carried unanimously, the meeting was adjourned.

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APPROVED this **28th** day of **December**, 1992.

ANTONIO O. GARZA, JR.
COUNTY JUDGE

ATTEST:

JOE G. RIVERA,
COUNTY CLERK AND EX-OFFICIO CLERK
OF THE COMMISSIONERS' COURT OF
CAMERON COUNTY, TEXAS